

**JUSTICE AND PUBLIC SAFETY CABINET  
Department of Corrections  
(Amendment)**

**501 KAR 2:050. Transfer requests.**

RELATES TO: KRS 532.100

STATUTORY AUTHORITY: KRS 196.035, 197.020(1), 532.100(6[5])

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(6[5]) establishes the circumstances in which a [county] jailer may request the Department of Corrections to transfer a Class D or Class C felon housed in the [county] jail to a state correctional[corrections] institution. This administrative regulation establishes the process for the jailer to request a transfer.

Section 1. Transfer Requests. (1) To request a transfer of a Class D or Class C felon housed in a [county] jail to a state correctional[corrections] institution pursuant to KRS 532.100(6[5]), the [county] jailer shall:

- (a) Request the transfer on an "Inmate Priority Movement Form"; and
  - (b) Submit the form to the Classification Branch, which shall review the form.
- (2) The commissioner or his designee shall approve or deny the request.

(a) If approved, the Director of Population Management[~~Classification Branch Manager~~] shall arrange an appropriate transfer.

(b) If denied, a copy of the form shall be returned to the jailer who may appeal the denial as provided by KRS 532.100(6[5]).

Section 2. Incorporation by Reference. (1) "Inmate Priority Movement Form." 2021[6/07], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Corrections, Division of Population Management, 275 East Main Street, [Local Facilities, 2439 Lawrenceburg Road,] P.O. Box 2400, Frankfort, Kentucky 40602-2400, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site at <https://corrections.ky.gov/About/Pages/lrcfilings.aspx>.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: July 1, 2021

FILED WITH LRC: July 14, 2021 at 1:48 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation will be held on September 22, 2021, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Any person who wishes to be heard at this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If a notice of intent to attend the hearing is not received by that date, the hearing may be cancelled. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notice of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, [Justice.RegContact@ky.gov](mailto:Justice.RegContact@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process for a jailer to request a transfer of a Class C or D state inmate in a jail pursuant to KRS 532.100(6).

(b) The necessity of this administrative regulation: The administrative regulation provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution for security or medical reasons.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 532.100(6) authorizes a jailer to request the transfer of a Class C or D inmate for specific reasons. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment revises cites to address statute changes and a position title to match a personnel change. It updates the form to be used for transfer requests.

(b) The necessity of the amendment to this administrative regulation: The changes need to be reflected in the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The changes are within the authority granted by the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: It provides clarity for those who use the transfer process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 74 county and regional jails that house Class C and D felons and their staff, approximately 50 Department of Corrections' employees, including 15 Local Facilities staff, and approximately 5,585 Class C and D felons in the jails.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will need to use the revised form and send it to the correct position.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The changes will allow for efficient processing of the transfer requests.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No increase in cost is anticipated.

(b) On a continuing basis: No increase in cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State budgeted funds for the Department of Corrections and county budgeted funds for jail operating expenses.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established or increased.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The amendment impacts the Department of Corrections and jails that house state inmates.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 532.100

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment does not create any revenue for the Department of Corrections, the counties, or other government entity.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendment does not create any revenue for the Department of Corrections, the counties, or other government entity.

(c) How much will it cost to administer this program for the first year? The amendment modifies the administration of the transfer process. The amendment is not expected to increase cost for the Department of Corrections, the counties, or other government entity.

(d) How much will it cost to administer this program for subsequent years? The amendment modifies the administration of the transfer process. The amendment is not expected to increase cost for the Department of Corrections, the counties, or other government entity.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: